

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

FIRST REGULAR SESSION  
FIFTY-NINTH LEGISLATURE

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**THIRTY-EIGHTH LEGISLATIVE DAY**  
**WEDNESDAY, FEBRUARY 14, 2007**

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 11 a.m.

Roll call showed all members present except Senator Gannon, absent and formally excused by the Chair; Senator Little, absent on legislative business and formally excused by the Chair; and Senators Burkett, Cameron, Langhorst, Stegner, and Stennett, absent and excused.

Prayer was offered by Chaplain Goebel.

The Pledge of Allegiance was led by Bear Chelson, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 13, 2007, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

Senators Burkett, Cameron, Langhorst, Stegner, and Stennett were recorded present at this order of business.

February 14, 2007

The JUDICIARY AND RULES Committee reports that **S 1150, S 1151, S 1152, S 1153, S 1154, and S 1155** have been correctly printed.

DARRINGTON, Chairman

**S 1150, S 1151, S 1153, and S 1154** were referred to the Judiciary and Rules Committee.

**S 1152 and S 1155** were referred to the Commerce and Human Resources Committee.

February 13, 2007

The JUDICIARY AND RULES Committee reports that Enrolled **S 1021** was delivered to the Office of the Governor at 2:50 p.m., February 13, 2007.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

February 13, 2007

The Commerce and Human Resources Committee reports out **S 1001, S 1002, S 1003, and S 1043** with the recommendation that they do pass.

ANDREASON, Chairman

**S 1001, S 1002, S 1003, and S 1043** were filed for second reading.

The President assumed the Chair.

February 13, 2007

The COMMERCE AND HUMAN RESOURCES Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Evan Frasure to the Idaho Personnel Commission, term to expire July 1, 2012;

Max Black to the Idaho Endowment Fund Investment Board, term to expire April 11, 2010.

ANDREASON, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 13, 2007

The EDUCATION Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Alan Reed to the Public Charter School Commission, term to expire May 12, 2010;

Joe de Vera to the Public Charter School Commission, term to expire May 12, 2010.

GOEDDE, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 13, 2007

The HEALTH AND WELFARE Committee reports out **S 1090**, **S 1091**, and **S 1092** with the recommendation that they do pass.

LODGE, Chairman

**S 1090**, **S 1091**, and **S 1092** were filed for second reading.

February 14, 2007

The EDUCATION Committee reports out **S 1079** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

GOEDDE, Chairman

There being no objection, **S 1079** was referred to the Fourteenth Order of Business, General Calendar.

February 14, 2007

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 69**, **H 70**, **H 14**, and **H 79** with the recommendation that they do pass.

HILL, Chairman

**H 69**, **H 70**, **H 14**, and **H 79** were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

#### Messages from the Governor

February 13, 2007

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that William W. Deal of Nampa, Idaho, was appointed as a member of the Idaho Public Employee Retirement System of Idaho Board to serve a term commencing January 24, 2007, and expiring July 1, 2008.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C. L. 'Butch' Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Commerce and Human Resources Committee.

The Senate advanced to the Ninth Order of Business.

#### Messages from the House

February 13, 2007

Mr. President:

I transmit herewith Enrolled **H 35** and **H 36** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **H 35** and **H 36** and ordered them returned to the House.

February 13, 2007

Mr. President:

I return herewith Enrolled **SCR 101** which has been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **SCR 101** was referred to the Judiciary and Rules Committee for transmittal to the Office of the Secretary of the State.

The Senate advanced to the Tenth Order of Business.

#### Motions and Resolutions

The President announced the Resources and Environment Committee report relative to the Gubernatorial appointment of William B. Booth was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Jorgenson, seconded by Senator Stennett, the Gubernatorial appointment of William B. Booth as a member of the Northwest Power and Conservation Council was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that **SCR 108** was before the Senate for final consideration.

Moved by Senator Stegner, seconded by Senator Werk, that **SCR 108** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 32.

NAYS--None.

Absent and excused--Cameron, Gannon, Little. Total - 3.

Total - 35.

Whereupon the President declared **SCR 108** adopted, title was approved, and the resolution ordered transmitted to the House.

The President announced that **SCR 109** was before the Senate for final consideration.

Moved by Senator Stegner, seconded by Senator Werk, that **SCR 109** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 33.

NAYS--None.

Absent and excused--Gannon, Little. Total - 2.

Total - 35.

Whereupon the President declared **SCR 109** adopted, title was approved, and the resolution ordered transmitted to the House.

The President announced that **SCR 110** was before the Senate for final consideration.

Moved by Senator Stegner, seconded by Senator Werk, that **SCR 110** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 33.

NAYS--None.

Absent and excused--Gannon, Little. Total - 2.

Total - 35.

Whereupon the President declared **SCR 110** adopted, title was approved, and the resolution ordered transmitted to the House.

The Senate advanced to the Eleventh Order of Business.

### **Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials**

#### **S 1156**

#### **BY STATE AFFAIRS COMMITTEE**

#### **AN ACT**

RELATING TO A FILM AND TELEVISION PRODUCTION BUSINESS REBATE FUND; AMENDING CHAPTER 47, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-4727, IDAHO CODE, TO CREATE IN THE STATE TREASURY THE FILM AND TELEVISION PRODUCTION BUSINESS REBATE FUND, TO DEFINE "QUALIFIED PRODUCTION," TO PROVIDE QUALIFICATION FOR THE REBATE, TO PROVIDE THE AMOUNT OF THE TOTAL ANNUAL INCENTIVE, TO DEFINE "BASE INVESTMENT" AND "APPLICANT," TO PROVIDE PROCEDURES, TO PROVIDE FOR EVALUATION OF THE ECONOMIC IMPACT OF THE REBATE PROGRAM AND TO PROVIDE FOR A REPORT; AND PROVIDING A SUNSET DATE.

#### **S 1157**

#### **BY STATE AFFAIRS COMMITTEE**

#### **AN ACT**

RELATING TO PUBLIC BENEFITS; AMENDING TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 79, TITLE 67, IDAHO CODE, TO PROVIDE LEGISLATIVE FINDINGS, TO DEFINE TERMS, TO REQUIRE THE VERIFICATION OF LAWFUL PRESENCE IN THE UNITED STATES OF NATURAL PERSONS IN ORDER TO RECEIVE PUBLIC BENEFITS, TO PROVIDE EXCEPTIONS, TO PROVIDE FOR VERIFICATION PROCEDURE, TO PERMIT RULEMAKING AND TO PROVIDE FOR PENALTIES; AND TO PROVIDE FOR SEVERABILITY.

#### **S 1158**

#### **BY STATE AFFAIRS COMMITTEE**

#### **AN ACT**

RELATING TO CARE FOR THE MEDICALLY INDIGENT; AMENDING SECTION 31-3510A, IDAHO CODE, TO ESTABLISH LIABILITY OF CERTAIN EMPLOYERS OF NON-UNITED STATES CITIZENS AND TO MAKE A TECHNICAL CORRECTION.

**S 1156, S 1157, and S 1158** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Twelfth Order of Business.

### **Second Reading of Bills**

**H 66**, by Transportation and Defense Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

**Third Reading of Bills**

On request by Senator Davis, granted by unanimous consent, **H 33**, having been held, retained its place on the Third Reading Calendar for February 16, 2007.

**S 1066** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Call of the Senate was requested by Senators Darrington, Keough, and Kelly.

Whereupon the President ordered the doorkeeper to lock the doors permitting no Senator to leave the Senate Chamber. The Sergeant at Arms was instructed to find and present any absent members to the Senate.

Roll call showed all members present except Senators Cameron and McGee.

The President directed the Sergeant at Arms to find and present Senators Cameron and McGee to the Senate.

Senators Cameron and McGee were recorded present.

On request by Senator Darrington, granted by unanimous consent, the Call was lifted.

The question being, "Shall **S 1066** pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 33.

NAYS--None.

Absent and excused--Gannon, Little. Total - 2.

Total - 35.

Whereupon the President declared **S 1066** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:15 p.m. until the hour of 11 a.m., Thursday, February 15, 2007.

JAMES E. RISCH, President

Attest: RUSTI HORTON, Assistant Secretary